

Department of Commerce and Labor
State of Idaho
Boise, Idaho

ADMINISTRATIVE ORDER NO. 554

May 11, 2006

TO: Administrators and Cost Center Managers

SUBJECT: Public Records Guidelines

Introduction:

The Idaho Public Records Act is found at Idaho Code Sections 9-337 through 9-349. The intent of this law is that all records maintained by public agencies are open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

Definitions:

Key terms are defined in the Act. Some of the law's most important concepts are:

1. Public Records – these include, but are not limited to, any writing containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by a public agency. "Writing" means, information maintained in many forms, including, for example: pictures, maps, tapes, magnetic cards, and computer disks.
2. Inspect – this means the right to listen, view, and make notes of public records, as long as the public record is not altered or damaged.
3. Copy – this means transcribing by handwriting, photocopying, duplicating machine, and reproducing by any other means, so long as the public record is not altered or damaged.
4. Custodian – this means any public official or employee having physical custody and control of the public records, including those who respond to requests for information on a routine basis. "Custodian" also includes the person, whether elected or appointed, who is legally responsible for administering the public agency, or that person's designee. "Designated custodians" are those employees authorized to perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so.

Designated Custodian:

The following person is the designated custodian for this agency: Bob Fick, Communications Manager.

General Subject Matter of Department Records:

Department records can be categorized into the following general subject matter:

- a) Program specific records: records pertaining to the Department's administration of the following programs under the Employment Security Act, including Unemployment Insurance, Employment Service, H-2A and Labor Market Information; records pertaining to the Department's

administration of the Workforce Investment Act; records pertaining to the Disability Determinations Services; records pertaining to the Wage and Hour section; and records pertaining to the programs and activities of Commerce.

- b) Personnel records: records pertaining to Department employees.
- c) Miscellaneous administrative records: records pertaining to the general operation and administration of the Department as an agency of the State of Idaho, and any other miscellaneous records maintained by the Department.

Physical Location of Records:

Most records are maintained at the Department's Main Street and State Street offices in Boise, Idaho. Program specific records may be located at one of the 24 Department local offices if the office has had some recent involvement in the matter or at the Department's Disability Determinations Services office in Boise, Idaho. Local offices also have access to program specific data maintained by the Department on computer via computer displays located in each office. Official personnel files of Department employees are maintained at the Central Office. Miscellaneous administrative records are maintained at the Central Office and at each of the local offices.

Requests for Public Records:

Any person may request a copy of any record maintained by the Department. Records requests sent via electronic mail will be accepted by the Department only through the Department's website at records_request@cl.idaho.gov. Records requests sent to any other Department electronic mail address will not be accepted. It is the Department's policy to provide access to and copies of disclosable records immediately upon request whenever possible. Examination of records should be done during normal working hours, unless the director or the designated custodian authorizes otherwise. A certified copy, if feasible to produce or required by law, will be provided upon request. For security reasons, the Department will not provide confidential records via electronic mail. The Department has the right to determine whether a written request will be required when an oral request for records is received. A written request will not be required if the information is routinely provided by the Department and is readily available. If there is any doubt about whether requested information may be disclosed or if the information is not readily available, the person requesting the records will be asked to put the request in writing addressed to Bob Fick, Communications Manager, Idaho Department of Commerce and Labor, 317 West Main Street, Boise, Idaho 83735. A person making a records request in writing or via electronic mail through the Department's website must include his or her name, mailing address and telephone number. The person may be required to provide identification if the requested records are exempt from disclosure to the general public. A request for records will usually be granted or denied within three working days of the date of receipt of the request. If a longer time is needed to locate or retrieve the records, the person requesting the records will be notified of this in writing. The Department will then respond to the request within ten working days of receipt of the request. If no response is provided within ten working days, the request should be deemed to have been denied. It is the policy of this Department, however, to provide a response to every request for information.

Costs to be Charged for Copies of Records:

The fee charged for locating or copying a disclosable record will not include any administrative or labor costs unless the records examination occurs outside business hours or significant labor costs are incurred. The Act does not require the agency to provide more than one copy of the same document per request. Photocopies of 50 pages of records or less will be provided free of charge. If the request is for a greater number of records, copying fees will be charged for all records requested and postage fees will be charged if the copies are to be mailed. Postage fees will be determined based on the weight of the copies. Advance payment for copies may be required. The fee charged for providing information in the form of computer tapes, disks, microfilm, or other media will not exceed the amount of the direct cost of copying and, if applicable, the agency's cost of conversion, or the cost of a conversion charged by a third party, if an existing electronic record is converted to another electronic form. If the information is also available in publication form, the agency may offer the published material to the individual in that form.

Inspection or Correction of an Individual's Own Records:

After providing identification, an individual may inspect, copy or request correction of public records pertaining to that person, except as provided below. If the individual requests a correction, the correction will be made or a written refusal to make the correction will be made within ten calendar days. Subsection 3 of Section 9-342 prohibits access to certain records pertaining to one's self if the information: relates to exempt investigatory records of ongoing investigations; is compiled in reasonable anticipation of litigation which is not otherwise discoverable; relates to adoption records; or is otherwise exempt from disclosure by statute.

This order is effective on May 11, 2006, and supersedes Administrative order No. 541, dated April 11, 2005.

/s/ Roger B. Madsen
Roger B. Madsen
Director